

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GWEN, Patrick

SERIAL NO.: 10/830,145

ART UNIT: 3732

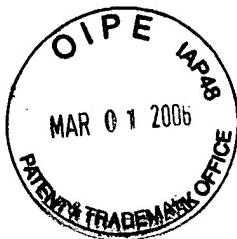
FILED: April 13, 2004

EXAMINER: Doe, G.S.C.

TITLE: CASE FOR RETAINING A TOOTHBRUSH AND OTHER DENTAL CLEANING
TOOLS THEREIN

Amendment A: DRAWING AMENDMENTS

Please substitute the enclosed "Replacement Sheets" showing Figs. 1 - 6 in place of the
originally submitted drawing sheets.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GWEN, Patrick

SERIAL NO.: 10/830,145

ART UNIT: 3732

FILED: April 13, 2004

EXAMINER: Doe, G.S.C.

TITLE: CASE FOR RETAINING A TOOTHBRUSH AND OTHER DENTAL CLEANING
TOOLS THEREIN

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of November 25, 2005, a response being due by February 25, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 20 have been canceled and new Claims 21 - 37 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 1 - 6 and 19 were rejected as anticipated by the Brown patent. Claims 9 - 11 were rejected under 35 U.S.C. § 103(a) as being obvious over the Brown patent in view of the Seber patent and the Glessner patent. Claims 13 - 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brown patent in view of the Cabedo-

Deslierres publication and the Sanders patent. Claims 7 - 8, 12 and 16 - 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brown patent in view of the Allen patent and further in view of the Sanders patent. The Examiner also has provisionally rejected Claims 1 - 20 on the ground of non-statutory obviousness-type double patenting relative to Claims 1 - 2, 4 - 11 and 13 of Co-pending Application No. 10/647,128. The Examiner also had certain formality objections with respect to the drawings, the disclosure and the claims.

As an overview to the present reply, Applicant notes that the particular configuration of the case and the pivoting cleaning tools of the present invention serve to achieve advantages that are neither shown nor suggested by the prior art. Initially, it should be noted that the prior art has difficulty in supporting an actual toothbrush within a case. Additionally, the orientation of conventional portable toothbrushes will prevent the case from incorporating other cleaning tools. The problems of the prior art where recited in the original specification in paragraph [0004] as follows:

Another type of prior art transportable toothbrush involves the pivotal mounting of the handle across the carrying case. The handle is rotated about an axis so that the bristles can be moved from a position retained within the case to a position extending outwardly of the case. The orientation of the bristles makes it difficult for any other cleaning tools to be incorporated within the carrying case. Additionally, the carrying case lacks sufficient support so as to rigidly and fixedly maintain the handle of the toothbrush in a position during brushing. Many times, the forces applied across the supporting axle of the handle of the toothbrush will cause the axle, along with the carrying case, to be damaged or destroyed.

The present invention overcomes these problems by changing the orientation of the toothbrush within the case. This change of orientation was recited in the original specification in paragraph [0026] as follows:

The case 12 has a first side 30 and a second side 32 which define the opening 24 therebetween. The distance between the sides 30 and 32 should be sufficient so as to allow the first cleaning tool 14, a second cleaning tool 34 and a third cleaning tool 36 to be retained therein. As will be described hereinafter, the distance between the bristles 20 of the toothbrush 18 and the pivotal connection 16 will define a space within the interior of the case 12 into which the toothpick 34 and the interdental brush 36 can be retained. The toothpick 34 and the interdental brush 36 are each coaxially pivotally mounted about pivotal connection 16 adjacent an end 38 of the case 12. The pivotal connection 28 is adjacent to the opposite end 40 of the case 12. The backside 42 of the case 12 will be suitably closed across the space between the sides 30 and 32.

The result of this change of orientation and the arrangement of pivotal connections between the closure member and the case provides a space whereby other cleaning tools, such as the toothpick and interdental brush of the present invention, can be properly stowed within a relatively small case.

As was stated in paragraph [0032] of the original specification:

The space 70 between the bristles 20 and the pivotal connection 16 is an area by which the second cleaning 34 and the third cleaning tool 36 can be stowed. As such, the particular design of the present invention facilitates the ability to install other cleaning tools within the interior of case 12.

Additionally, the present invention utilizes certain structures in association with the toothbrush so as to improve the rigidity of the toothbrush when it is deployed. The present invention acts to rigidly fix the position of the toothbrush while distributing any forces that might be applied to the toothbrush over various surfaces associated with the case. This arrangement was described in paragraph [0034] as follows:

FIGURE 4 shows the toothbrush 18 in its outwardly deployed position. Importantly, the mechanisms of the present invention serve to support the toothbrush 18 in its outwardly deployed position. Additionally, the structures of the present invention serve to prevent

destroying the case 12 or the pivotal connection 16 between the toothbrush 18 and the case 12. In particular, in FIGURE 4, the closure member 26 is illustrated in its covering position. The closure member 26 has surface 46 engaged within a notch 74 formed on the axle engaging surface 76 of toothbrush 18. A flap 78 is in abutment with the surface 46 of closure member 26. The lever member 60 of the toothbrush 18 is in surface-to-surface contact with an abutment member 80 extending between the sides 30 and 32 of the case 12. As a result of this orientation, the toothbrush 18 will be fixedly and securely retained in an outwardly extending position. The various mechanisms serve to distribute the forces appropriately so as to avoid damage to the case 12 or the pivotal connection 16 during brushing activities. The torque forces that are applied to the toothbrush 18 during brushing activities will be distributed to the surfaces between the flap 60 and the abutment member 80, between the notch 74 and the surface 46, and between the surface 46 and the flap 78.

Applicant respectfully contends that the prior art combination fails to show such a structure and fails to achieve the advantages of the present invention.

Applicant has revised original independent Claim 1 in the form of new independent Claim 21. New independent Claim 21 specifically and positively recites that there are "a pair of sides" that extend in generally parallel relationship to each other. The bristles are now defined so as to "face one of said pair of sides". The bristles are also recited as "extending in generally parallel relation to the pivot axis" of the first cleaning tool.

Relative to the Brown patent, Applicant notes that the Brown patent is typical of the prior art in that it fails to achieve maximum stowage efficiency within the interior of the compartment 10. In the Brown patent, it can be clearly seen that the bristles of the toothbrush 13 face one of the faces of the container. The bristles of the toothbrush 13 extend in an axis which is transverse to the pivot axis 16. The cleaning tools 14 and 15 are arranged in side-by-side relationship to the toothbrush 13 within the case. These implements are not stowed in the space between the bristles of the toothbrush,

the side of the case and the end of the case. As such, the axle 17 which supports the cleaning tools 13, 14 and 15 needs to be unnecessarily long. The torque that can be imparted onto the toothbrush 13 during cleaning activities can certainly damage or weaken such an elongated axle of the pivot axis 16 of the Brown patent.

In contrast, the present invention turns the bristles of the toothbrush 13 sideways so as to face one of the sides of the compartment. As a result, a natural space is formed within the interior of the case so as to accommodate the second and third cleaning tools. Additionally, as an unexpected result, the axle shaft which supports the cleaning tools can be much shorter than that which would be suggested by the Brown patent. As such, potential damage caused by the leverage effects upon the axle shaft can be minimized. On this basis, Applicant contends that independent Claim 21 is not anticipated by the Brown patent and would not be obvious in view of the teachings of the Brown patent. Dependent Claims 22 - 35 reflect the limitations, respectively, of previous dependent Claims 2 - 15.

New independent Claim 36 reflects the limitations of previous independent Claim 16, along with the limitations of dependent Claims 17 and 18. In particular, new independent Claim 36 indicates that the closure member is pivotally connected to the case in generally parallel relationship to the axis of rotation of the toothbrush. This claim also recites that the toothbrush has bristles extending so as to face one of the sides of the case. It further recites that the cleaning tool is pivotally mounted within case so as to reside within a space in the case defined by the bristles, the side of the case and the end of the case. Such an arrangement is neither shown nor suggested by the prior art combination of the Brown, Allen and Sanders patents.

The differences between the present invention, as recited in independent Claim 16, and the

Brown patent have been recited hereinbefore. The Allen patent simply shows a multi-purpose pocket tool in the form of a Swiss-Army knife. The Allen patent does show a closure member having an axis of rotation which is parallel to the axis of rotation of each of the separate tools. However, the Allen patent fails to show any sort of space defined between the bristles and the end of the case and the side of the case. As such, there is no suggestion in the combination of the Brown and Allen patents to provide the stowage ability of the present invention. The Sanders patent does show a portable toothbrush known in the prior art. Once again, the portable toothbrush has bristles which face the face of the container. The toothbrush pivots outwardly in the same manner that the toothbrush of the Brown patent pivots outwardly. By turning the bristles sideways, the present invention overcomes the problems of the prior art associated with the Brown and Sanders patent, by providing a stowage space for other cleaning tools within the compartment and by shortening the pivot axis. On this basis, Applicant contends that independent Claim 36 is neither shown nor suggested by the prior art combination.

Independent Claim 37 incorporates the limitations of previous independent Claim 19 and the limitations of Claim 20. It should be noted that the use of the "flap", the "abutment surface", the "notch", and the "lever" provide an ability to distribute the strong forces associated with brushing activities over a wider surface area of the case. A description of these benefits was recited hereinbefore in association with paragraph [0034]. The Brown patent actually has small spaces by which flexing of the toothbrush can occur. These spaces are defined by notch 26 at the end of the carrying case. The Allen patent shows a knife but lacks the "flap" and the surface of the closure member which abuts such a "flap" when the closure member is in the covering position. The Sanders patent does not appear to have any surfaces which enhance the strength of the toothbrush

when it is in the extended position. The Sanders patent appears to use the closure member as an extension of the handle. As such, the problems described in the original specification as associated with the prior art would strongly impact (i.e. distort and destroy) the handheld toothbrush of the Sanders patent. On this basis, Applicant respectfully contends that independent Claim 37 is not obvious in view of these prior art teachings.

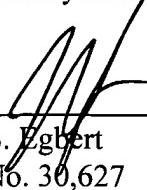
Applicant has revised the Specification and the Abstract so as to correct for those grammatical errors identified by the Examiner in paragraph two of the Official Action. Applicant has also revised the drawings. In particular, reference character "18" has been removed from both the Specification and the Drawings. Applicant has adopted the Examiner's suggestions with respect to the corresponding language found in Claims 7 and 16.

Based upon the foregoing analysis, Applicant contends that independent Claims 21, 36 and 37 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

FEB 27 2006

Date


John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax